

PATENT

A-70598/MSS/WEN

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: BOX DD, Assistant Commissioner for Patents, Washington, D. C. 20231, on November 27, 2001.

Signature:

Marie L. Cerimeli
Marie L. Cerimeli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nicholas S. Waylett et al.

Serial No.: 09/940,279

Filed: August 27, 2001

For: **TOWER TOP CELLULAR
COMMUNICATION DEVICES
AND METHOD FOR
OPERATING THE SAME**

Examiner: To be assigned

Group: 2681

RECEIVED
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INFORMATION DISCLOSURE STATEMENT

Box DD

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention.

Applicant makes no representation that a complete search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

Serial No.: 09/940,279
1036777

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- ☐ The enclosed publications were cited in a foreign examination report in a related case. A copy of the search report and the cited references are attached hereto.
- ☐ The search report is not in the English language and a translation of the search report is enclosed.
- ☐ At least one of the enclosed publications is not in the English language.
- ☐ English translation(s) are enclosed.
- ☐ Enclosed is an explanation of the relevance of non-English publications for which an English translation is not available.
- ☐ The explanation is in the form of an English language search report.

The subject application is believed patentable over any of the references listed on the attached PTO Form 08A.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

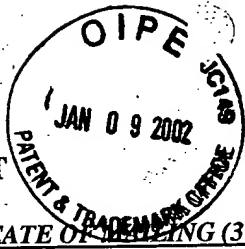


William E. Nuttle
Reg. No. 42,943

Date November 27, 2001

Four Embarcadero Center, Suite 3400
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#32681



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CERTIFICATE OF DEPOSITING (37 CFR 1.8(a))

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INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Box DD

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is:

- ☒ an Information Disclosure Statement
- ☒ Form PTO-08A
- ☒ Copies of each cited references listed on form PTO-08A
- ☐ English translation of foreign language reference(s)
- ☐ Copy of foreign examination report
- ☐ English translation of foreign examination report.
- ☐ Also transmitted is _____.

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1. ☒ This Information Disclosure Statement is filed before the later of:
- A. three months from the filing date of this national application;
 - B. three months from the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or
 - C. the mailing date of a first Official Action on the merits.

In accordance with 37 CFR 1.97(b), no fee is required.

2. ☐ This Information Disclosure Statement is filed after the events noted in paragraph 1, but before either:
- A. a final action under 37 CFR 1.113, or
 - B. a Notice of Allowance under 37 CFR 1.311.

In accordance with 37 CFR 1.97(c) also submitted is:

- ☐ a fee under 37 CFR 1.17(p) in the amount of \$240.00; or
- ☐ a certification as stated below.

3. ☐ This Information Disclosure Statement is filed before the payment of the issue fee, but after either:
- A. a Final Action under 37 CFR 1.113, or
 - B. a Notice of Allowance under 37 CFR 1.311.

In accordance with 37 CFR 1.97(d) also submitted is:

- (1) A certification, as stated below; and
- (2) The Petition fee set forth in 37 CFR 1.17(i)(1) in the amount of \$130.00.
- (3) Applicant hereby petitions the Patent Office for entry and consideration of the Information Disclosure Statement submitted herewith.

Certification

The undersigned also states:

- ☐ Each item of information contained in the Information Disclosure Statement cited herein was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement; or
- ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three

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months prior to the filing date of this Information Disclosure Statement.


The fees indicated above are:

TOTAL FEES: \$ 0.00

- ☐ A check for the amount of TOTAL FEES indicated above is attached.
- ☐ The Commissioner is hereby authorized to charge \$_____ to cover the payment of the fee(s) indicated below to Deposit Account No. 06-1300.
- ☐ A check in the amount of \$_____ is attached.
- ☒ No fee is required.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 06-1300. (Order No. A-70598/MSS/WEN)
- ☐ Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.
- ☐ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP



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